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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/157,758	09/21/1998	RAAFAT EDWARD KAMEL	KAMEL-2-15-1	2883
30594	7590	04/27/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			TON, DANG T	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/157,758	KAMEL ET AL.	
	Examiner	Art Unit	
	DANG T. TON	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-20 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7, and 21-26 is/are rejected.
- 7) ☒ Claim(s) 4 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,3,6,21,22,23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Love et al. (newly cited 5,771,461).

For claims 1,2,3,6,21,22,23, and 25, Love et al.

discloses a wireless communications system having a base station (see base station in box 200 of Fig. 2)

and a mobile unit (see mobile station in box 180 of Fig 1), a method for setting initial power levels between the mobile units and the base station upon receipt of a service request, the method comprising the steps of: calculating, at the base station, an interference measure based on the first power, where the first power of is power of a pilot signal received at mobile unit (see boxes PSMM, 201,235 in figure 2) ; and setting an initial power level in a forward link based on the interference measure (see output power from box 236 based on in figure 2).

wherein the step of calculating determines a difference

between the first power and the second power , where the second power is power of the link signal transmitted from the base station (see box 201 in figure 2);

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Love et al. (5,862,453) in view of Love et al (6,034,971).

For claims 5 and 24, Love et al.(5,862,453) disclose all the subject matter of the claimed invention with the exception wherein the interference measure indicates interference levels due to other base station and mobile receive

noise as recited in claims 5, and 24. ; Love et al(6,034,971) from the same or similar fields of endeavor teaches a provision of the interference measure indicates

interference levels due to other base station and mobile receive noise (see other cells at column 3 lines 52-53. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the interference measure indicating interference levels due to other base station

and mobile receive noise as taught by Love et al.(6,034,971) in the communications network of Love et al. (5,862,453) . the interference measure indicating interference levels due to other base station and mobile receive noise as taught by Love et al can be implemented/modified into network of Love et al. (453) since Love et al. does teach improved power control in a closes loop communication system and the base station box 101 can perform the functions above. The motivation for using the interference measure indicating interference levels due to other base station and mobile receive noise as taught by Love et al (971). into the communications network of Love et al. (453)being that it provides a need for controlling the forward link communication capacity in response to the forward link interference limitation to maximize the forward link capacity, and prevent involuntary dropping of the calls.

4. Claims 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Love et al. (5,862,453)in view of Meidan et al.

For claims 7 and 26, Love et al. discloses all the subject matter of the claimed invention with the exception of the interference measure being monotonically related to the initial power level in a communications network. Meidan et al. from the same or similar fields of endeavor teaches the estimated carrier to interference power ratio with

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a metric at least comprising a monotonically related function (see column 18 lines 41-50). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the monotonically interference measure as taught by Meidan et al. in the communications network Love et al. . The monotonically interference measure as taught by Meidan et al. can be modified/implemented into the communications network Love et al. since Love et al. also disclose the interference measure but not specific using the monotonically interference measure related to the initial power level.

The motivation for using the monotonically interference measure as taught by Meidan et al in the communications network of Love et al. being that it provides for improving detection of data bits in data samples and a need for controlling the forward link communication capacity in response to the forward link interference limitation to maximize the capacity prevent involuntary dropping of the calls.

5. Applicant's arguments filed 3/22/2006 have been fully considered but they are not persuasive.

In the remarks of 3/22/2006, applicant traverses the rejections of the claims. The traversal is based on ground that the references do not teach the power of a pilot signal received at a mobile unit and setting an initial power level in a forward link based on the interference measure. Those arguments are not found to be persuasive. Applicant's attention is directed at power pilot signal see PSMM signal inputted to box 201 in figure 2 and box 236 initial forward power in figure 2.

6. Claims 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 9-20 are allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T. TON whose telephone number is 571-272-3171. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matar Ahmad can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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D. Ton

A handwritten signature in black ink, appearing to read 'Dang Ton', with a stylized flourish at the end.

DANG TON
PRIMARY EXAMINER